IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1908 OF 2005
IN
SECOND APPEAL NO.1344 OF 2005

Shri Sudam Jotiba Chougule & Anr. ...Applicants
Vs.
Smt Shantabai Revaya Mahapati & Ors. ...Respondents

Shri K.S. Dewal for the Applicants.
Shri N.V. Bandivdekar for the Respondent Nos.1 and 2.

CORAM : A. S. OKA, J.

DATE : MARCH 06, 2006.

P.C.:

1. Rule. Shri Bandivdekar waives service for the Respondent Nos.1 and 2. Considering the facts of the case, service of Rule on the Respondent No.3 is dispensed with. Civil Application is taken up for hearing forthwith. Second Appeal has been admitted for final hearing. Therefore, decree of possession and decree of perpetual injunction passed against the Appellants/ Applicants will have to be stayed subject to condition that the Appellants/ Applicants will not create any third party interest in respect of the suit property and will not part with the possession thereof in favour of the third party.

2. Hence, Civil Application is disposed of by passing following order:

: O R D E R :

(i) Execution and operation of clause Nos.3 and 4 of the operative part of the decree passed by the lower Appellate Court will remain stayed till final disposal of the Second Appeal subject to condition that the Applicants will not create any third party interests in respect of the suit property and will not part with possession of the suit property in favour of any third party.

(ii) There will be no orders as to costs.

JUDGE